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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,643	09/25/2003	Alastair Douglas Wright	NGP0068	6805

832 7590 05/19/2005

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EXAMINER

VIRDI, SUNDEEP

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,643

Applicant(s)

WRIGHT, ALASTAIR DOUGLAS

Examiner

Sundeep S Virdi

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Liao (US 2003/0187400).

Liao discloses an automatically retractable safety syringe which has a barrel (72) having leading and trailing ends, a hollow bore needle (80) extending from the leading end of the barrel and carried by a needle hub (20), a resilient member (40) connected between the barrel and the needle hub (see figure 9), a crown (25, see figure 1), a plunger (60) slideably movable within the barrel carrying a removable core (50), wherein the crown (25) is removably attached to the needle hub (20) via a second resiliently deformable member (30) that forms a seal around the crown and wherein the first resilient member forms a seal around the end of the plunger (40).

3. Claims 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Donnan et al (US 2003/0236501).

Donnan discloses a retractable needle syringe that teaches a needle connected to a retraction mechanism for retracting the needle and a removable sheath for

enclosing the needle wherein the sheath engages the retraction mechanism when it encloses the needle to prevent retraction of the needle prior to removal of the sheath (see paragraph 0009), with a collar for attachment with a syringe (see figure 3) having a barrel (B) and a retractable plunger (P), where the collar may be formed of plastic (see paragraph 0024).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Liao in view of Smith et al (5,250,035).

Liao discloses the claimed invention as disclosed above. However, Liao does not teach the use of a glass needle hub.

Smith et al discloses a cannula and styllet system that utilizes a glass needle hub, the use of the glass hub providing the advantage of allowing a user to have a clear viewing window in order to properly place the needle (see abstract).

It would have been obvious to one of ordinary skill in the art to modify the needle hub used in Liao and make it out of glass in order to allow a user to have a clear viewing window in order to properly place the needle, as taught by Smith.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnan in view of Botich et al (5,788,677).

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Donnan discloses the claimed invention as discussed above. However, Donnan does not teach the use of a glass barrel for the syringe.

Botich discloses a retractable needle apparatus that teaches the use of a glass barrel for the syringe (see column 3, lines 42-47) in order to make the syringe compatible for use with a variety of medications.

It would have been obvious to one of ordinary skill in the art to modify Donnan and utilize a glass barrel as taught by Botich in order to allow the syringe compatible for use with a variety of medications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sundeep S Virdi whose telephone number is 571-272-4969. The examiner can normally be reached on M-F 9am-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas D Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sundeep Virdi
Art Unit 3763



Primary Patent Ex.
Art 3763